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August 29, 2018

Board of Parole Hearings  
Attn: Nonviolent Parole Review Process  
P.O. Box 4036  
Sacramento, CA 95812-4036

**Re: Inmate Robert Jesus Cota; CDCR BA8861  
Ventura County Superior Court Case 2013026862  
Opposition Letter Due to Board of Parole Hearings August 31, 2018**

Dear Board Members:

This letter is written to recommend denial of early parole for inmate Robert Cota.<sup>1</sup> In August 2016, the inmate was sentenced to 12 years 4 months prison. Releasing the inmate now means he would serve approximately 40 percent of his actual sentence. This recommendation is based upon:

- 1) The inmate's commitment offense.
- 2) The inmate's significant criminal history.
- 3) The unreasonable risk of violence to the community if the inmate is released early.

## **CIRCUMSTANCES OF THE COMMITMENT OFFENSE**

On October 29, 2012, the inmate attempted to rob victim Alejandro Rodriguez, who suffers from a mental disability. Mr. Rodriguez refused to hand the inmate any money and in response the inmate threatened to kill Mr. Rodriguez, displaying a firearm to emphasize he was serious. Mr. Rodriguez began calling police on his cell phone. The inmate then grabbed the phone and attempted to wrestle it away. When Mr. Rodriguez succeeded in keeping the phone, the inmate fled in a waiting vehicle.

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<sup>1</sup> This letter is very similar to the opposition letter sent last year.

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On November 1, 2012, officers conducted a parole search of the inmate's motel room. A search of the room and his vehicle revealed 12.53 grams of heroin, 12.44 grams of methamphetamine, .14 grams of cocaine, five hydrocodone pills, a glass bong, two glass smoking pipes, small plastic bags, and additional drug paraphernalia. The inmate was arrested for possession of heroin for sale and possession of methamphetamine for sale. The inmate was subsequently identified as the perpetrator of the attempted robbery of Mr. Rodriguez and arrested for that felony, as well as felony criminal threat.

While in custody at the Ventura County jail pending trial on these charges, the inmate extorted \$1,500 from another inmate, Raul Vences, who was facing child abuse charges. The inmate told Vences he could protect him if he paid the amount demanded, first \$1,000 and later another \$500. The inmate told Vences that if the extortion was reported to police "they" would go to his house and Vences would be "in trouble."

On September 28, 2013, during a search of the inmate's cell, deputies located two bags and a container full of ingredients required to make pruno, jail alcohol. On June 29, 2014, during a search of the inmate's cell, deputies located a jail-issued razor with the handle broken off, wedged in between a small gap in the frame of the bed and the wall. Upon further inspection, the head of the razor had been altered. The plastic protective housing of the razor was removed, which exposed one inch of the metal blade on either side. Inmates commonly refer to this manufactured weapon as a "tomahawk." The inmate admitted making the weapon by using his teeth to expose the blade.

Each of these crimes was consolidated into the commitment offense case. The inmate only pled guilty to one count of extortion and intimidating a witness based on witness issues with the attempted robbery. The inmate admitted a prior strike conviction for robbery, as well as having served two prior prison terms. The inmate agreed the remaining counts could be considered in determining his sentence. The inmate was sentenced to 12 years 4 months in jail.

#### **THE INMATE'S CRIMINAL HISTORY IS SUBSTANTIAL**

This inmate has engaged in a pattern of violent crime since 1979 when he committed and was later convicted of his first robbery. Four years later, in 1983, and again in 1986, he was found in possession of stolen property and subsequently convicted. In 1987, he was convicted of unlawful possession of a firearm. He was given his fourth opportunity to reform on probation, but failed.

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Despite the opportunities to begin a law-abiding life, the inmate continued his violent lifestyle and in December 1991, he committed and was later convicted of robbery. He was sentenced to three years in prison. In January 1997, the inmate committed and was convicted of two more robberies. He was sentenced to 17 years in prison.

While in custody pending disposition of the commitment offense, the inmate received 15 major incident reports, including the above possession of pruno, possession of a weapon, destruction of property, and mutual combat.

### **DISCUSSION**

It is an unfortunate irony that this inmate, convicted of witness intimidation, received the benefit of a plea bargain because the witnesses against him on the attempted robbery could not be located for trial. Based on the inmate's record and current offenses, he is unquestionably a violent criminal who will victimize others upon his release from prison.

Throughout his 38-year criminal career, the inmate has displayed a disregard for the criminal justice system. The inmate has scoffed at opportunities to rehabilitate and there is no evidence to suggest the inmate will stop his criminal ways if released early.

### **CONCLUSION**

The inmate clearly poses an unreasonable risk of violence to the community if granted early parole. I respectfully request the Board deny early parole for the inmate.

Very truly yours,



GREGORY D. TOTTEN  
District Attorney

GDT:kd

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